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November 22, 2023

Via ECF

The Honorable Jesse M. Furman
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Schulte*, 17 Cr. 548 (JMF)

Dear Judge Furman,

We write to request that the Court adjourn Mr. Schulte's sentencing, currently scheduled for January 10, 2023, approximately 45 days until the week of February 26, 2024, or March 4, 2024. Specifically, we would request February 26, 28, or 29, 2024, or any day the week of March 4, 2024.

The undersigned is currently scheduled to commence trial before the Honorable Brian M. Cogan in the Eastern District of New York on December 4, 2023, in *United States v. Jay Bryant*, 22 Cr. 415 (BMC). The undersigned also has a substantial Rule 33 motion due, also to Judge Cogan, in *United States v. Garcia Luna*, 19 Cr. 576 (BMC), where we have been granted a lengthy filing extension due to the sheer volume of new evidence we have received and are currently reviewing.

Most importantly, however, the defense has substantial mitigation efforts for Mr. Schulte's sentencing that we will not be able to complete before Mr. Schulte's sentencing on January 10, 2023, let alone before his sentencing memorandum is due to the Court on December 28, 2023. To provide adequate sentencing advocacy, a 45-day adjournment is necessary.

We have spoken to Mr. Schulte about the need for additional time, and he consents to the adjournment.

We have spoken with the government and to avoid the need for an additional letter from it, we have incorporated its position here. The government objects to our adjournment request for the following reasons:

Although the Government is mindful of defense counsel's other commitments and the time necessary to prepare an appropriate submission, the long pendency of this case warrants maintaining the current sentencing date. The defendant has repeatedly requested a sentencing as promptly as possible; the Court set the existing sentencing date in response to one such motion (see D.E. 1066) and has referred to it in response to complaints by the defendant. In addition, the defendant has repeatedly raised concerns about the conditions of his confinement at the Metropolitan Detention Center ("MDC"), both through motions in this case and in numerous other civil filings. Maintaining the current sentencing date will allow the Bureau of Prisons ("BOP") to expeditiously designate the defendant to a penitentiary designed for long-term incarceration able to administer the approved Special Administrative Measures, which would address both the defendant's complaints about the MDC and the substantial logistical burdens on the BOP and FBI posed by his continued detention in a facility designed for pretrial confinement. The Government has also conferred with the victim of the majority of the crimes of which the defendant was found guilty, and the victim also objects to an adjournment of sentencing.

For the foregoing reasons, the defense respectfully requests that Mr. Schulte's sentencing be adjourned approximately 45 days.

Respectfully submitted,

/s/

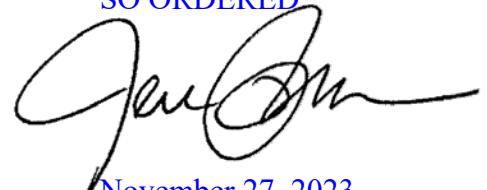
Shannon McManus
César de Castro

cc: All Parties (via ECF)

Given the age of this case, the Defendant's repeated demands to be sentenced in connection with the leak charges, and the interest in having the Defendant designated and transferred to a different facility, there is a strong interest in proceeding promptly to sentencing. That said, as a courtesy to counsel (and mindful of the substantial record that counsel, who entered this case after the first two trials, needs to master), the Court will grant a one-time adjournment of sentencing, but only to **February 1, 2024, at 3 p.m.** The Government is encouraged to take steps in the interim to ensure a prompt designation and transfer of the Defendant immediately after sentencing.

The Clerk of Court is directed to terminate Docket No. 1119.

SO ORDERED



November 27, 2023